

Exhibit 4

MEMORANDUM

TO: STEVE ZEHNER

FROM: STEPHEN PLAFKER,
Deputy District Attorney

SUBJECT: Comprehensive Computer Data Access and Fraud Act
(S.B. 255)
New \$5,000 Minimum to Raise to Felony

DATE: March 11, 1987

I suggest the following language to implement our agreement to have a \$5,000 floor on the cost of a victim's efforts before they raise an infraction or misdemeanor to a felony. Please make sure that everyone understands that a small amount of victim expenditure will still raise the infraction to a misdemeanor.

1. Define a new term, "victim expenditure", to mean "any expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program, or data was or was not altered, deleted, damaged, or destroyed by the access." Remove the corresponding language from the definition of injury.

2. Add "in a victim expenditure in an amount greater than \$5,000 or" between the words "results" and "in" and add the words "in any amount" between the words "injury" and "or" in Subsection (d) (2) (B);

B - mixed
C -
3. Replace Subsection (d) (3) (B) by the following: "For any violation which results in victim expenditure in an amount not exceeding \$5,000 or in injury in any amount by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment";

4. Renumber the present Subsection (d) (3) (B) as Subsection (d) (3) (C) and add "in a victim expenditure in an amount greater than \$5,000 or" between the words "results" and "in" and "in any amount" between "injury" and "or".

